

1 A bill to be entitled
 2 An act relating to driving under the influence;
 3 amending s. 316.193, F.S.; requiring mandatory
 4 placement, at the convicted person's sole expense, of
 5 an ignition interlock device for a specified period
 6 for a first conviction of driving under the influence;
 7 deleting obsolete provisions; conforming provisions to
 8 changes made by the act; providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Subsection (2) of section 316.193, Florida
 13 Statutes, is amended to read:

14 316.193 Driving under the influence; penalties.—

15 (2) (a) Except as provided in paragraph (b), subsection
 16 (3), or subsection (4), any person who is convicted of a
 17 violation of subsection (1) shall be punished:

18 1. By a fine of:

19 a. Not less than \$500 or more than \$1,000 for a first
 20 conviction.

21 b. Not less than \$1,000 or more than \$2,000 for a second
 22 conviction.~~;~~ ~~and~~

23 2. By imprisonment for:

24 a. Not more than 6 months for a first conviction.

25 b. Not more than 9 months for a second conviction.

26 3. By mandatory placement, at the convicted person's sole
 27 expense, of an ignition interlock device approved by the
 28 department in accordance with s. 316.1938:

29 a. For a first conviction, for a period of at least 6
 30 months; or

31 b. For a second conviction, ~~by mandatory placement~~ for a
 32 period of at least 1 year, ~~at the convicted person's sole~~
 33 expense, of an ignition interlock device approved by the
 34 department in accordance with s. 316.1938

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 36 upon all vehicles that are individually or jointly leased or
 37 owned and routinely operated by the convicted person, when the
 38 convicted person qualifies for a permanent or restricted
 39 license. ~~The installation of such device may not occur before~~
 40 ~~July 1, 2003.~~

41 (b)1. Any person who is convicted of a third violation of
 42 this section for an offense that occurs within 10 years after a
 43 prior conviction for a violation of this section commits a
 44 felony of the third degree, punishable as provided in s.
 45 775.082, s. 775.083, or s. 775.084. In addition, the court shall
 46 order the mandatory placement for a period of not less than 2
 47 years, at the convicted person's sole expense, of an ignition
 48 interlock device approved by the department in accordance with
 49 s. 316.1938 upon all vehicles that are individually or jointly
 50 leased or owned and routinely operated by the convicted person,

51 when the convicted person qualifies for a permanent or
52 restricted license. ~~The installation of such device may not~~
53 ~~occur before July 1, 2003.~~

54 2. Any person who is convicted of a third violation of
55 this section for an offense that occurs more than 10 years after
56 the date of a prior conviction for a violation of this section
57 shall be punished by a fine of not less than \$2,000 or more than
58 \$5,000 and by imprisonment for not more than 12 months. In
59 addition, the court shall order the mandatory placement for a
60 period of at least 2 years, at the convicted person's sole
61 expense, of an ignition interlock device approved by the
62 department in accordance with s. 316.1938 upon all vehicles that
63 are individually or jointly leased or owned and routinely
64 operated by the convicted person, when the convicted person
65 qualifies for a permanent or restricted license. ~~The~~
66 ~~installation of such device may not occur before July 1, 2003.~~

67 3. Any person who is convicted of a fourth or subsequent
68 violation of this section, regardless of when any prior
69 conviction for a violation of this section occurred, commits a
70 felony of the third degree, punishable as provided in s.
71 775.082, s. 775.083, or s. 775.084. However, the fine imposed
72 for such fourth or subsequent violation may be not less than
73 \$2,000.

74 ~~(c) In addition to the penalties in paragraph (a), the~~
75 ~~court may order placement, at the convicted person's sole~~

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76 | ~~expense, of an ignition interlock device approved by the~~
77 | ~~department in accordance with s. 316.1938 for at least 6~~
78 | ~~continuous months upon all vehicles that are individually or~~
79 | ~~jointly leased or owned and routinely operated by the convicted~~
80 | ~~person if, at the time of the offense, the person had a blood-~~
81 | ~~alcohol level or breath-alcohol level of .08 or higher.~~

82 | Section 2. This act shall take effect October 1, 2017.